REMARKS

Upon entry of this amendment, claims 1, 10, 19, 26, 33, 39, 40, 41, 49, 57, 67, 96, 109 and 120 have been amended and claims 1-185 remain pending. It is submitted that no new subject matter has been introduced by the amendments and that the amendments are fully supported by the specification.

Formalities

It is acknowledged that Applicant is aware that the original patent has to be surrendered to the U.S. Patent Office before this reissue application can allowed. Upon its location, the original patent will be promptly surrendered, or in lieu thereof, a statement of loss will be submitted.

New claims 139-185 were previously added in the Amendment dated April 7, 2003. Pursuant to 37 CFR 1.173(d), any newly submitted claims will be underlined in their entirety.

Claim Rejections

Claims 1, 3-10, 12-19, 21-33, 35-49, 51-57 and 59-185 are rejected under 35 USC 103(a) as being unpatentable over Leuca et al. (U.S. Pat. No. 6,201,797) ("Leuca") in view of Davis et al. (U.S. Pat. No. 5,287,541) ("Davis"). For at least the reasons set below, Applicant respectfully traverses the foregoing rejection and submits that these claims are allowable over the cited art.

With respect to claim 1, it is alleged that the Application Programming Interface (API) as disclosed in Leuca allows a server satellite to pass control data either to a client satellite or another server satellite having access to the client satellite. Upon further review of the cited excerpt, col. 2, line 62- col. 3, line 3, it is clear that Leuca differs from the present invention as recited in claim 1 in a number of ways. For example, Leuca merely shows that the API function is used by an external application for interfacing with the data server mechanism for call control functions and for performing operation, administration, maintenance and provisioning. The API function is invoked by an external application. There is no disclosure or suggestion showing that the system located on the airborne platform as shown in Leuca is capable of determining data routing and management information including information relating to one or more server satellites, if any, to be used for data transmissions between a client satellite and an earth station.

There is also no disclosure or suggestion showing that the system in Leuca is capable of using the data routing and management information to determine whether to transmit the control data to a client satellite or another server satellite.

It is further alleged that the system in Leuca allows both a client satellite and a space server to transmit mission data to an earth station. While the foregoing may be true, that is not the same as the present invention as recited in claim 1. As mentioned above, there is no disclosure or suggestion showing that the system located on the airborne platform as shown in Leuca is capable of determining data routing and management information including information relating to one or more server satellites, if any, to be used for data transmissions between a client satellite and an earth station. There is also no disclosure or suggestion showing the system in Leuca is capable of using the data routing and management information to determine whether to transmit the mission data to the earth station or another server satellite. In the present invention as recited in claim 1, upon receiving mission data from a client satellite, the server satellite determines the data routing and management information and, based on such information, determines whether to transmit the mission data to an earth station directly or to another server satellite.

Furthermore, it is alleged that Leuca shows at least one earth orbit of the server satellites being higher than one or more earth orbits of the client satellites. Upon further review of FIG. 2, there is clearly no disclosure or suggestion showing the foregoing conclusion. To the contrary, FIG. 2 shows an airborne platform 40 having the Leuca system (which is equivalent to a server satellite as stated by the Examiner) and a client satellite 29. The airborne platform is clearly below (not higher than) the client satellite 29.

Since Leuca does not disclose or suggest at least one or more features of the present invention as recited in claim 1, combining the system in Davis with that of Leuca would not have resulted in the present invention. Therefore, for at least the reasons stated above, Applicant respectfully submits that claim 1 as amended is now allowable over the cited art.

It should be understood that the same arguments and rationale stated above in connection with claim 1 also apply with equal force to claims 10, 19, 33, 49, 57, 67, 96 and 109. Therefore,

Applicant also respectfully submits that these claims as amended are also now allowable over the cited art.

It should be further understood that the amendments herein were made to clarify claim language and not to limit or narrow the scope of the claims, and thus, they should not be interpreted as narrowing claim amendments.

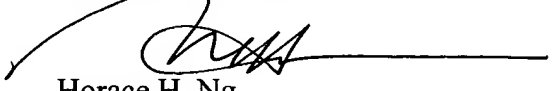
Since claims 2-9, 11-18, 20-32, 34-48, 50-56, 58-66, 68-95, 97-108, and 110-185 depend either directly or indirectly from claims 1, 10, 19, 33, 49, 57, 67, 96 or 109, these claims at least derive patentability therefrom. Therefore, in the interest of expediting allowance of this application and without conceding the issue of patentability, Applicant submits that these claims are also allowable over the cited art.

CONCLUSION

In view of the foregoing, Applicant believes that all claims now pending in this Application are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to issue a formal Notice of Allowance as early as possible.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-813-5000.

Respectfully submitted,



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